

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

JOHN BARNHARDT, et al.,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Civil Action No. 4:65-cv-01300-HTW-LRA
)	1300(E)
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	

**PRIVATE PLAINTIFFS' MOTION TO COMPEL
REQUEST FOR PRODUCTION NO. 21**

Private Plaintiffs John Barnhardt *et al.* (collectively, “Plaintiffs”) hereby move this Court for an order compelling Defendant Meridian Municipal Separate School District (the “District”) to produce copies of the student discipline records that are responsive to Plaintiffs’ October 1, 2018 Request for Production No. 21.

Request for Production No. 21 reads as follows:

Please produce all Student Discipline Reports for SY 2017-2018 pertaining to the students associated with the student identification numbers below. The student identification numbers are from the Q3 and Q4 discipline data that the Defendants provided in their most recent Biannual Report in August 2018. Please redact student identifying information.

Defendants objected to providing the copies (or allowing Plaintiffs’ Counsel to make copies) on the basis that: (1) the Consent Decree does not require the District to do so, and (2)

it is not the District's practice to provide copies. The District's stated reasons fail to justify its noncompliance with the Federal Rules of Civil Procedure. Moreover, though the District allowed Plaintiffs' counsel to inspect the requested records, the District allowed only three hours to inspect hundreds of pages of documents. The District also refused to allow Plaintiffs' counsel to inspect the records without supervision by District personnel.

In support of this Motion, Plaintiffs incorporate the accompanying Memorandum and the following Exhibits:

Declaration of Kristen A. Johnson

Exhibit 1: Plaintiffs' October 1, 2018 First Set of Interrogatories and Requests for Production

Exhibit 2: Defendants' October 31 Response to Plaintiffs' October 1, 2018 First Set of Interrogatories and Requests for Production

Exhibit 3: Email exchange from November 2, 2018 to November 9, 2018 between counsel for the parties, as they conferred on Request for Production No. 21.

Exhibit 4: Good Faith Certificate

For reasons set forth more fully in the accompanying Memorandum of Law, Plaintiffs are entitled to production of copies of the requested documents under Federal Rule of Civil Procedure 34. Rule 34 permits a party to request that another party "produce and permit the requesting party or its representative to inspect, copy, test, or sample . . . any designated documents." Moreover, it is "common practice [to] produc[e] copies of documents . . . rather than simply permitting inspection." Committee Notes on Rules—2015 Amendment. The District has not provided adequate justification for either its refusal to permit copying of the documents or for the conditions it imposed upon Plaintiffs' inspection of the requested records. The District should be

compelled to produce copies of those records.

The parties have conferred in good faith. The District opposes the Motion.

Dated: November 15, 2018

Respectfully Submitted,

/s/ Fred L. Banks, Jr.

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Counsel for Private Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Kristen Johnson

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